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ABSTRACT

This handbook provides renters, homeowners, teachers, parents, and workers with tools for ridding their communities of illegal drugs. The booklet describes relevant anti-drug laws, and provides examples of how they are being used successfully in one state. The case studies cited almost always involve individuals and community groups working together with local law enforcement officials and prosecutors. The book is divided into four major sections: (1) Safe Neighborhoods; (2) Safe Streets; (3) Safe Schools; and (4) Safe Workplaces. Each section briefly outlines the extent of the problem, lists strategies for drug trafficking prevention, and offers tips for safely intervening with drug activities. Each major section of the handbook concludes with one or two resource numbers. Also included is a list of resources that can be contacted for treatment assistance by those having a problem with illegal drugs. (RJM)

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Creating

Using Illinois' Drug Laws

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Introduction

This handbook provides you—the renter, homeowner, teacher, parent, or worker—with proven tools for getting rid of illegal drugs from your streets, your neighborhood, your child's school, and the place where you work.

There is already a large body of law in Illinois prohibiting the manufacture, sale, or use of illegal drugs. More and more laws are passed each year, with tougher and tougher penalties. Five years ago, for example, the sale of a gram of cocaine usually resulted in probation or, at most, a prison sentence of a few years. Today, it's a Class 1 felony, with a prison sentence of up to 15 years and a fine of up to \$250,000.

This booklet not only describes relevant anti-drug laws, but also provides examples of how they are being used—and used successfully—in Illinois. These case studies almost always involve individuals and community groups working together with local law enforcement officials and prosecutors. This is one of the most important lessons to be learned from successful drug eradication efforts: that individuals and community groups stand the best chance of driving illegal drugs out of their communities when they work in concert with police and prosecutors.

Each major section of the handbook concludes with one or two resource numbers you can contact. Information is also available through the Illinois Criminal Justice Information Authority and its Legal Consequences of Drug Abuse campaign.

Safe NEIGHBORHOODS



Photo courtesy of Chicago Police Department

What can you, your community group, church, or civic organization do to fight drugs on your block or in your neighborhood?

One obvious way you can help law enforcement officials is by reporting drug sales or use to the police.

Your call serves two purposes:

- ◆ It may result in the arrest of offenders, or even the break-up of a larger drug trafficking organization.
- ◆ If the violations persist, additional calls help to build a record that the problem is serious and on-going.

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In March 1992, FBI agents arrested three men in connection with the seizure of more than 1,100 pounds of cocaine, the second largest amount ever seized in the Chicago area.

The street value of the cocaine was estimated to be more than \$70 million, according to Delbert Dilbeck, former special agent in charge of the Chicago Division of the FBI.

Approximately \$1.5 million in cash was also seized. Such investigations, Dilbeck says, usually result from individuals contacting their local law enforcement officials.

"Private citizens are the basis for most of our investigations, especially in drug matters," he said.

TIPS

- ◆ Call your local police department when you see illegal drug activity.
- ◆ Keep a record of your calls.
- ◆ Organize a neighborhood/ community group to report illegal drug activity, and if the problem persists, meet with your local state's attorney to begin nuisance abatement proceedings.

What if people are selling drugs at a house down the street?

Another way citizens, working in tandem with the police and local state's attorneys, can get rid of drug dealers is by shutting down buildings from which drugs are sold. The *nuisance abatement process* typically begins with citizen complaints.

In Cook County, for example, the State's Attorney's Narcotics Nuisance Abatement Unit combines information from people calling its hotline number with police drug arrest reports.

Prosecutors then notify the landlord or building owner of the problem. In most cases, landlords or building owners evict the drug dealers. This makes sense: once the state's attorney's office is involved, building owners have everything to gain by cooperating, and everything to lose—loss of their building for a year—by letting the problem continue.

In rare instances, the landlord refuses to cooperate and the case is brought to court. Community members can be instrumental in such instances by attending court sessions—where their presence is certainly felt—and testifying when appropriate.

RESOURCES

◆ In the Chicago area, citizens may call the Chicago Police Department's narcotics hotline at (800) CRACK44, or the Cook County State's Attorney's Office at (312) 890-2724 to report drug activity. The state's attorney's office also has a 24-hour hotline number: (312) 890-6603.

◆ In other parts of the state, people should call their local enforcement agencies or state's attorneys' offices directly.

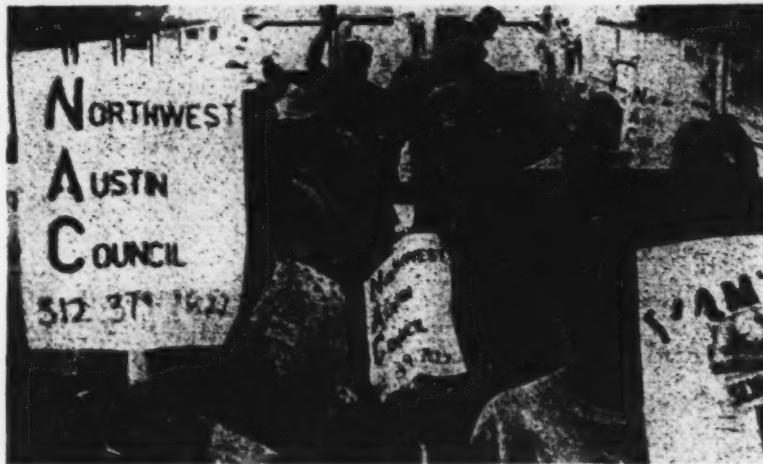


Photo courtesy of Windy City Word

In one abatement case that took place in Chicago over a three-month period in 1991, community residents, the police, the local alderman, and the assistant state's attorney worked together to bring an apartment building into compliance with the law.

At the final hearing, the courtroom was packed with members of the community and roughly a dozen police officers ready to testify about the numerous drug arrests they had made at the building.

At that hearing, the landlord agreed to evict the tenants who had been involved in illegal drug activities, as well as any tenants living in unrented apartments.

Since then, "the building and its owner have been in compliance," said Sherie Weisberg, the assistant state's attorney from the Cook County Narcotics Nuisance Abatement Unit who prosecuted the case.

"There is an absence of the drug trafficking that previously existed in and around the building."



In another nuisance abatement case, there was so much gang activity in the neighborhood that citizens made their complaints of drug dealing to the police anonymously.

Their calls led, first, to four arrests being made at a single-family home.

Prosecutors then took the owner of the building to court, since drug activity continued despite two subsequent warnings from the state's attorney's office.

At the hearing, the owner agreed to board up the building. Summarizing the case, assistant state's attorney Lori Williams called it "a classic example of how calls to the police can result in a positive action."

RESOURCES

- ◆ In Cook County, citizens can call (312) 890-DOPE—the Cook County state's attorney's nuisance abatement hotline—to report drug activity within a particular building. Calls can be made anonymously.
- ◆ Although other counties may not have formal narcotics nuisance abatement units, if there is a drug house operating in your area, check with your local state's attorney regarding the possibility of legal action.
- ◆ The statute covering nuisance abatement is *Ill.Rev.Stat., ch. 100 1/2, par. 15.*

I heard about a process called asset forfeiture. What is it?

Another tool law enforcement officials are using against drug dealers is a law allowing the police to seize their assets. Seizures range from cars to planes and boats, and from cash, furs, and jewelry to homes and office buildings—anything that a dealer bought with drug profits or used to further illegal drug activities.

In June 1991, law enforcement officers from the Clinton County Sheriff's Department and the Carlyle Police Department in Southern Illinois arrested nine men and eight women for a variety of drug crimes, including the delivery of marijuana, LSD, and cocaine. In addition to prison sentences for many of those arrested, a number of cars and a mobile home were seized.

The seizure of vehicles "took a lot of people by surprise," according to Clinton County Sheriff Donald Khron. "It woke a lot of people up to the fact that their personal property could be seized."

Carlyle Police Chief Paul Spaur thinks asset seizures are "a real deterrent, a way to get into the pockets of drug dealers." Spaur says that since the arrests, drug dealers are telling his undercover agents, "I'm not selling [drugs any more] because I'm not losing my car." Sheriff Krohn says that, "from what we can gather from the streets, people are now very paranoid about selling drugs."



Photo courtesy of Belleville News-Democrat

This guy's been giving drugs to my son on his way home from school. Is there anything I can do about it?

Although drug sales should always be reported to the police, there is a way for citizens to sue a drug dealer on their own in civil court.

The 1991 *Cannabis and Controlled Substances Tort Claims Act* permits parents or guardians to:

- ◆ Sue an individual who has provided illegal drugs to a minor in their custody for the cost of treatment or rehabilitation of the minor.
- ◆ Collect actual damages, and possibly punitive damages.
- ◆ Collect reasonable attorney's fees.

The law includes a schedule of *minimum* damages that may be collected. These range from \$1,500 for a minor incident to \$25,000 for the most serious violations.

An earlier law, the *Parental Right of Recovery Act*, not only allows parents or guardians to recover costs for the treatment and rehabilitation of the minor, but to recover damages for pain and suffering as well as punitive damages and attorney's fees.

RESOURCES

- ◆ Anyone seeking to sue a drug dealer under the *Cannabis and Controlled Substances Tort Claims Act* [Ill.Rev.Stat., ch. 70, par. 901 et seq.] or the *Parental Right to Recovery Act* [Ill.Rev.Stat., ch. 70, par. 601 et seq.] — both of which are civil court procedures — should contact an attorney.

Safe STREETS



I just saw what looks like a drunk or drugged driver on the road. What can I do?

When you see an impaired driver, the best thing to do, according to the Secretary of State's Office, is to get the license number of the car, go to the nearest phone, and call the police as soon as possible.

There are many laws on the books in Illinois to protect you from drugged or drunken drivers.

Driving under the influence (DUI) applies to anyone with a blood alcohol concentration of

0.10 or higher, or a person found to have any amount of illegal drugs in his or her bloodstream. Anyone who drives—and especially anyone responsible for the driving of others—should know that, unlike alcohol, drug residue may linger in the bloodstream for days, or even weeks. If, for example, someone smokes marijuana at a weekend party, and is stopped later in the week and asked to take a blood test,

TIPS

- ◆ Call your local law enforcement agency with the location and license plate number when you see an impaired driver on the road.
- ◆ Make certain that the members of your family know that drugs and driving don't mix, and can result in loss of license, seizure of your car, and possible imprisonment.

he or she would probably test positive for drugs and face a DUI conviction and a variety of penalties.

Driving under the influence of alcohol or drugs is, first of all, a crime. A first offense can carry a \$1,000 fine and imprisonment for up to one year. Subsequent DUI convictions carry even stiffer penalties.

A DUI conviction can result in the loss of driving privileges as well.

- ◆ A first offense now results in a three-month suspension; a year for subsequent offenses.

- ◆ A first DUI offense for a driver who is under age 21 can bring a two-year suspension.

- ◆ Although a person can refuse to take a breath or blood test, refusal will result in an automatic six-month license suspension.

Illinois law also prohibits the use of a vehicle to transport illegal drugs, including personal use amounts of drugs such as cocaine and LSD. Drivers face serious penalties, and their vehicles can be seized by the police.

Early in 1990, the Metropolitan Area Narcotics Squad (MANS) of Will County made several purchases of cocaine from a local dealer.

He was subsequently arrested, and the 1985 Camaro he used in his drug deals was seized and eventually turned over to the Romeoville Police Department.

Romeoville police painted D.A.R.E. To Keep Kids Off Drugs on the door and This '85 Camaro Was Confiscated in a Drug Arrest on the fender. The car was then turned over to the city's Drug Abuse Resistance Education (D.A.R.E.) and crime prevention officers for use in the schools and community.

"The reason for the D.A.R.E. car," Romeoville Police Chief Robert Starke says, "was to show kids in school and in the community that this is what happens if you use drugs: You lose this really important piece of property."

This initial investigation, according to MANS Director Frank Schmitt, eventually led to the breakup of a major drug organization, the recovery of 50 kilos of cocaine with a street value of approximately \$15 million, weapons, and \$25,000 in cash.

RESOURCES

- ◆ The Illinois Secretary of State's Office has numerous educational materials on driving under the influence of drugs and alcohol. Its toll-free number is (800) 252-8980.

- ◆ With the goal of stopping drunk and drugged driving and caring for its victims, Mothers Against Drunk Driving (MADD) provides victim information, advocacy, and support groups, as well as educational materials for the general public. The group's victim assistance number is (800) 253-MADD; for general information call (312) 782-6266.

- ◆ Students Against Driving Drunk (SADD) is an international student organization set up to curtail teen-age drinking and driving. For the number of the chapter nearest you, call (508) 481-3568.

Safe SCHOOLS

As a teacher, I sometimes see what look like drug transactions going on in the halls. What can I do?

Schools have long been considered one of society's safest havens. That is no longer the case in all instances. Each term, more and more schools are confronted with students who peddle and use illegal drugs, or carry weapons.

To combat this problem, safe school zone laws have been enacted in Illinois. The laws apply to all schools—elementary, secondary and post-secondary, public and private. Safe school zone laws increase—in some cases double—the penalties for drug offenses



committed on or within 1,000 feet (roughly two blocks) of school property, as well as on school buses. For example:

- ◆ A minor aged 15 or older can be tried as an adult for dealing a controlled substance (crack, cocaine, LSD, etc.) in or near a school, and can receive a prison sentence of up to 30 years.

- ◆ Dealing marijuana in a safe school zone carries a prison sentence of up to 15 years.

- ◆ The use of beepers, portable phones, or any cellular communication device by a student on school property is prohibited, unless authorized by local school officials.

- ◆ A school can request that law enforcement officials search for illegal drugs on school grounds, including lockers, using specially trained drug-sniffing dogs.

TIPS

- ◆ Become involved with your school board. Make sure the board is aware of Illinois' safe school zone laws.
- ◆ Ask your school principal to post safe school zone signs.
- ◆ Make sure your school board and principal are aware of the laws concerning drug and alcohol abuse by school bus drivers, as well as the Illinois Drug-Free Workplace Act.

"Just knowing that an individual will get practically double the penalty for drug and weapons offenses committed on school property is definitely an effective deterrent for young people. Any loss of privileges or freedom stops many young people from going astray."

— an assistant regional school superintendent from Hancock and McDonough counties

Safe school zone laws also increase the penalties for weapons violations committed on school property:

- ◆ A minor aged 15 or older can be tried as an adult for carrying or possessing a weapon on school property.

- ◆ It is a felony to bring weapons—including switchblades, Mace, blackjacks, pistols, revolvers, and other firearms—onto school property.

- ◆ There are enhanced penalties for certain weapons violations within 1,000 feet of a school, public housing, or a public park. Those weapons violations include possessing a silencer or machine gun, or carrying a pistol, revolver, stun gun or taser, firearm, or ballistic knife when hooded, robed, or masked.

Minors not tried as an adult for a drug or weapons offense committed in a safe school zone may still face stiff legal consequences. They may be committed to a juvenile detention facility or to a non-secure custody facility, such as a foster home or group home. In some cases, a minor may be put under house arrest and required to wear an

electronic monitoring device. A minor may also be placed on probation or required to perform community service.

There are other areas of concern regarding drug abuse, crime, and schools:

- ◆ Street gang activity can make it extremely difficult for a young person to attend or remain in school. It is now a felony, punishable by up to five years in prison, to threaten or intimidate an individual into joining a gang. An adult committing this offense against a minor faces even harsher penalties.

- ◆ Parents daily entrust school bus drivers with the lives of their children. Under a new state law, school bus drivers will lose their commercial driver's licenses if any trace of illegal drugs is detected in their bloodstream, or if their blood alcohol concentration is 0.04 or more. A school bus driver forfeits his or her commercial driving privileges for life for a subsequent offense.

- ◆ Using the newly created Illinois Streetgang Terrorism Omnibus Prevention Act, a state's attorney, on behalf of a public authority such as a unit of local government or school

district, may file civil suits against street gangs or street gang members for damages caused by the criminal activity of the gang. The public authority may recover compensatory and punitive damages, as well as attorneys fees.

- ◆ Students who plan to attend college should know that a drug-related conviction may limit their chances of getting student loans. Many federal benefits, including loans for college, can be revoked or denied because of drug offenses.

What can I do to make my neighborhood school safer?

Parents, students, teachers, and other school personnel should alert the school principal to drug and weapons offenses committed on or near school property. The principal should immediately report these incidents to local law enforcement authorities.

When reporting a drug or weapons offense to law enforcement officials, it is important to indicate that the crime occurred in a safe school zone area so that tougher charges can be filed. Request that a safe school zone notation be included in the police report.

For gang-related activity, contact your local police, sheriff, or state's attorney. Also, see the next page for more resources.

"It must be clearly understood that the [safe school zone] sign is not enough. The community is no stronger than the people who live in it. If a school is involved in safe school zone laws, then that community has to take an active role in enforcing that law or seeing that the law is enforced by outside agencies."

— Ronald W. Alston, former director
of Chicago Intervention Network
(now disbanded)

The federal Anti-Drug Abuse Act of 1986 made funds available to the states for drug enforcement and treatment, as well as education and prevention. For school districts, funding was made available to develop and implement drug-free school programs to help combat drug use among young people.

"Young people should be able to attend school and enjoy learning in an atmosphere that is free of violence, threat, intimidation, and drugs."

— Chicago high school principal

RESOURCES

To get a safe school zone sign for your school:

- ◆ In Chicago, send a letter on your organization's letterhead requesting signs to City of Chicago, Department of Human Services, Youth Delinquency Prevention Division, Kraft Building, 5th Floor, 500 North Peshtigo Court, Chicago, Ill. 60611, (312) 744-1820.
- ◆ Elsewhere in the state, contact the Illinois Department of Corrections, Illinois Correctional Industries, Marketing Division, P.O. Box 19277, 1301 Concordia Court, Springfield, Ill. 62794-9277, (217) 522-2666, ext. 7023.

Drug education resources:

- ◆ The Illinois Criminal Justice Information Authority's *Legal Consequences of Drug Abuse* campaign has a variety of free printed material on drug abuse topics. Materials are available by calling (312) 793-8550.
- ◆ For free copies of *Success Stories for Drug-Free Schools, A Guide to Educators, Parents, and Policymakers* write or call the National Clearinghouse for Alcohol and Drug Information, P. O. Box 2345, Rockville, Md. 20852, (800) 729-6686.
- ◆ For information on the U.S. Department of Education's *Schools Without Drugs* program call (800) 624-0100.
- ◆ Illinois State Board of Education: Springfield, (217) 782-2221; Chicago, (312) 814-2223; Mt. Vernon, (618) 242-1676
- ◆ The National Parent-Teacher Association: Chicago, (312) 787-0977; Springfield, (217) 528-9617

For gang-related activity:

- ◆ Contact your local police, sheriff, or state's attorney.
- ◆ National Youth Gang Information Center: (800) 446-GANG
- ◆ Illinois Department of Children and Family Services' Youth and Community Services Unit: Aurora/Rockford, (708) 801-3400; Chicago, (312) 814-3255; East St. Louis, (618) 583-2100; Marion, (618) 997-4371; Peoria, (309) 693-5400
- ◆ Cook County Sheriffs Gang Crime Narcotics Unit: (708) 865-4700, (800) DFY-GANGS
- ◆ Cook County State's Attorney's Gang Hotline: (312) 890-3454
- ◆ Gang Crimes Hotline, Chicago Police Department: (312) 744-4264
- ◆ St. Clair County Drop-A-Dime Hotline: (800) 640-DIME

Safe WORKPLACES



Some of my guys tell me there's drug use at some of our work sites. Is it worth it to establish and enforce a drug-free workplace policy?

Having a drug-free workplace makes good business sense. The cost of illicit drug use in the workplace is staggering—between \$50 billion and \$100 billion annually, according to some estimates. In the Chicago area, the Chicagoland Chamber of Commerce estimates the annual cost of drug and alcohol abuse in the workplace to be \$1.5 billion.

Research has shown that drug use equates highly with involuntary job separation. Employees testing positive for drug use have been found to use approximately 1/3 more sick leave and to have approximately 2 1/2 times more unexcused absences than their drug-free counterparts.

To reduce this cost and to provide workers with a drug-free

TIPS

- ◆ If you're a business owner, establish a drug-free workplace policy and inform your employees.
- ◆ Urge a substance abusing co-worker to seek treatment through your organization's Employee Assistance Program, or seek outside treatment.
- ◆ Make sure your employer knows that many Illinois businesses and not-for-profit agencies are required to establish a drug-free workplace.

working environment, the Illinois Drug-Free Workplace Act was enacted.

As of January 1, 1992, any individual, business, or not-for-profit agency with more than 25 employees that does \$5,000 or more worth of business with the State of Illinois must certify that it will provide a drug-free workplace.

Among other things, the organizations must:

- ◆ Publish a statement that the unlawful manufacture, distribution, dispensation, possession, or use of any illegal drugs is prohibited in their workplace.
 - ◆ Specify the actions that will be taken against any employee who violates the policy.
- Even if a company is not covered by the drug-free workplace law, having drug-free



policies and procedures makes sense.

Companies with an Employee Assistance Program (EAP) offer treatment to substance-abusing employees in an attempt to retain experienced staff and avoid the cost of hiring and training replacements. At Schaumburg-based Motorola Inc., for example, employees who test positive on a random drug test are referred to Motorola's EAP. After they complete a rehabilitation program, employees are again subject to Motorola's company-wide program of random drug tests. If they test positive a second time, they lose their jobs.

Employees should contact their personnel offices to learn more about their organizations' policies on drugs in the workplace.

"While many businesses and law enforcement agencies have already developed drug-free workplace policies, this is an important law for those who have not done so yet. The law provides these organizations with an important tool to curb drug abuse in the workplace, and it provides a sanction—the loss of state business—to those companies that do not have drug-free workplace programs."

—Peter B. Bensinger, Chairman
Illinois Criminal Justice Information Authority

RESOURCES

- ◆ The Illinois Criminal Justice Information Authority has prepared a booklet giving an overview of the Illinois Drug-Free Workplace Act. Copies are available without charge by calling the Authority at (312) 793-8550.
- ◆ For additional information on the Act, call the Office of the Illinois Attorney General at (312) 814-3000 in Chicago, or (217) 782-1090 in Springfield. Attorney General Roland Burris' office also has a drug-free workplace guide, posters, and other printed materials.
- ◆ The Chicagoland Chamber of Commerce holds frequent seminars which provide expert advice on all aspects of the drug-free workplace law, including drug testing, certification, and employee assistance. Call Barbara Pearson at (312) 580-6939 for additional information.

Other RESOURCES

Substance abuse is recognized by the American Medical Association as a potentially fatal but treatable medical condition. Many of the thousands of former addicts now living drug-free, sober lives are able to do so because they have received treatment assistance from self-help groups.

If you or someone you know is having a problem with illegal drugs, there are number of places that offer help:

◆ *The Illinois Department of Alcoholism and Substance Abuse (DASA)*, is the governmental agency responsible for reducing drug and alcohol abuse in the state.

DASA provides confidential referrals to treatment programs, which are located in most communities throughout the state. For more information, call:

(312) 814-4718 (Chicago)
(312) 814-4718 (Rockford)
(708) 530-6985 (Elmhurst)
(217) 782-2850 (Springfield)
(217) 782-0686 (Mt. Vernon)

In addition, DASA has a wide variety of prevention materials for schools and community groups. These materials can be obtained from the above numbers or from the Illinois Prevention Resource Center at (800) 252-8951.

◆ *Narcotics Anonymous (NA)*, and other 12-step programs use a self-help fellowship model for anyone wanting to quit abusing drugs. NA groups meet throughout the state.

If Narcotics Anonymous is not listed in your white pages, the Chicago-area office, (708) 848-4884, will give you the number of the group nearest you.

◆ *The 24-hour Cocaine Hotline*, (800) COCAINE, offers information on controlled substances and provides referrals to treatment centers and self-help groups.

◆ *The National Institute on Drug Abuse Hotline* provides information on illegal drugs and referrals to treatment centers and self-help and support groups nationwide. Call (800) 662-HELP.

◆ **Treatment Alternatives for Special Clients** (T.A.S.C., Inc.) provides assessment and case management services for adolescents and adults who are involved with both illegal drugs and the criminal justice system.

T.A.S.C. offices are located at the following numbers throughout Illinois:

(312) 666-7339 (Chicago)
(815) 965-1106 (Rockford)
(309) 673-3769 (Peoria)
(618) 277-0410 (Belleville)
(618) 997-8181 (Marion)
(618) 656-7672 (Edwardsville)

◆ Working with businesses, the Lieutenant Governor's **Parenting Partnership** offers lunch-hour programs to help parents develop skills to prevent the abuse of drugs and alcohol by their children.

Personnel directors should contact Janice Ball at Lieutenant Governor Bob Kustra's office, (312) 814-5220.

◆ The Office of Attorney General Roland Burris provides direct financial assistance covering medical expenses to victims of violent crimes. Their toll-free crime victim's number is (800) 228-3368.

"I told the T.A.S.C. people, 'I didn't want a six-month [residential treatment] program.' But now you couldn't kick me out of here. You'd have to drag me out."

— young man in a residential treatment program



Take the Next Step

We hope this booklet is helpful. Ridding your community of drug abuse almost always takes a persistent, organized effort. Fortunately, today's drug laws in Illinois are tougher than ever.

Individuals and community groups now have the tools necessary to assist in creating safer streets, schools, neighborhoods, and workplaces.

Resources, as well as drug abuse legislation, are constantly changing. If you need more information than you can find in this booklet, please contact the Illinois Criminal Justice Information Authority using the phone number on the inside back cover. Ask for someone with the Legal Consequences of Drug Abuse campaign.



**Legal Consequences
of Drug Abuse Campaign**

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